

Rohtash and ors. Vs. Babli

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Court : Punjab and Haryana

Decided On : Jan-20-2006

Reported in : 2(2006)DMC214

Judge : M.M. Aggarwal, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 34, 120B, 323, 406, 498A and 506; [Code of Criminal Procedure \(CrPC\), 1973](#) - Sections 202

Appeal No. : Criminal Revision No. 629 of 2005

Appellant : Rohtash and ors.

Respondent : Babli

Advocate for Def. : N.K. Shekhawat, Adv.

Advocate for Pet/Ap. : R.S. Sangwan, Adv.

Disposition : Petition allowed

Judgement :

ORDER

M.M. Aggarwal, J.

1. This is a petition against judgment dated 22.2.2005 of Sessions Judge Narnaul whereby the revision petition filed by complainant Babli against order dated

30.1.2004 of Judicial Magistrate, 1st Class, Mohindergarh was accepted. Vide this judgment, Sessions Judge, Narnaul had directed that complaint shall also proceed against the present petitioners.

2. The facts of the case are that Babli-respondent filed a complaint for offence under Sections 406/498-A/506/323/34/120-B, I.P.C. against her husband Karan Singh, Rohtash and Bhuri parents-in-law and Sharmila husband's sister. Judicial Magistrate 1st Class, Mohindergarh after considering preliminary evidence had issued summons for offence under Section 498-A, I.P.C. as against Karan Singh husband. From copy Annexure P-4, it would come out that earlier to that, he had marked the inquiry to DSP, Mohindergarh who has found that it was not a case of cruel treatment or dowry and it was just to pressurize the in-laws party.

3. In matrimonial cases, an effort is always made by the prosecutrix/ complainant to rope in as many persons as possible. In this complaint case, an enquiry had been got conducted under Section 202, Cr.P.C. by the Judicial Magistrate, 1st Class, Mohindergarh from DSP, Mohindergarh who had found that this complaint was just to pressurize the in-laws party.

4. Under these circumstances, I am of the view that Judicial Magistrate 1st Class, Mohindergarh had rightly decided not to proceed against the other persons, except the husband.

5. As such, this petition is accepted. The impugned order 22.2.2005 of Sessions Judge, Narnaul is set aside and that of the Judicial Magistrate, 1st Class, Mohindergarh is restored.